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**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Penalty)
Relief of:)

WILLIAM C. BRENDER, M.D.)

File No. 16-1992-20213

Physician's and Surgeon's)
Certificate No. G34566)

Respondent.)
_____)

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 1, 2003.

IT IS SO ORDERED October 31, 2003.

MEDICAL BOARD OF CALIFORNIA

By: _____

Lorie G. Rice, Chair

Panel A

Division of Medical Quality

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for Penalty
Relief of:

WILLIAM C. BRENDER, M.D.
115 Maple Street
Glenn Falls, NY 12801

Case No. 20-2003-143525

OAH No. N2003080526

Respondent.

PROPOSED DECISION

On September 16, 2003, in Sacramento, California, Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Daniel J. Turner, Deputy Attorney General, represented the complainant.

William C. Brender, M.D., respondent appeared in his own behalf.

Evidence was received, the record was closed and the matter was submitted.

FACTUAL FINDINGS

1. Respondent filed a Petition for Penalty Relief for termination of probation dated January 27, 2003.

2. On or about July 1, 1977, the Board issued Physician and Surgeon's Certificate Number G34566 to respondent.

Effective August 12, 1994, the Board disciplined respondent's certificate when it adopted as its decision the stipulation settling disciplinary matter D-5409 (OAH # N9310103).

His California medical certificate discipline was based upon his medical license discipline by the State of New York in 1991. Respondent's California medical certificate was revoked, the revocation was stayed and he was placed on probation for three (3) years with various terms and conditions of probation, including enrollment and participation in the drug diversion program until the Division determined that his continued participation was unnecessary. The parties stipulated that respondent's substance abuse rehabilitation and treatment in the State of New York satisfies the diversion requirement in the California stipulation and decision. His California probation included a tolling provision.

3. About 13 years ago respondent was convicted in New York of giving an unlawful gratuity to a police officer, a misdemeanor. As a result of the conviction, in 1991, his New York medical license was revoked, the revocation was stayed and he was placed on probation for five (5) years with various terms and conditions including successful completion of their drug diversion program because he was using cocaine and occasionally marijuana around the time of the incident. He successfully completed that program.

4. Respondent testified that he has been clean and sober for about 13 years. He said that after completing the New York diversion program, he continued in the recovery program and in therapy until 2000, about 6 years after he successfully completed the New York program. As part of diversion, he successfully completed an inpatient program. He is active in Narcotics Anonymous (N.A.), has a sponsor and is a sponsor. Until recently, he was an officer of N.A.

Respondent is remarried and has a good relationship with his ex-wife. He is in private practice doing plastic and hand surgery. He has hospital privileges at two nearby hospitals and is chairman of the division of plastic surgery at one of them. He is president of the county medical society and works with state authorities in New York. He regularly does community service by working to improve medical knowledge in the community.

Respondent has practiced in New York State since he was placed on probation in California, which has extended his initial three year probation to the present time without any known violations of probation.

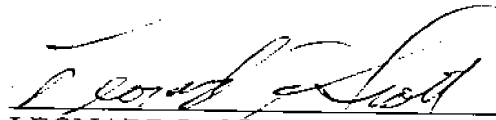
LEGAL CONCLUSIONS

Respondent complied with the requirements of the California diversion program by his successful completion of the New York diversion program. Respondent established good cause to grant termination of his probation.

ORDER

The Petition for Termination or Modification of Probation of respondent William C. Brender, M.D., is granted.

Dated: October 10, 2003

A handwritten signature in cursive script, appearing to read "Leonard L. Scott", written over a horizontal line.

LEONARD L. SCOTT
Administrative Law Judge
Office of Administrative Hearings